

SAGUACHE COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION MEETING
9:00 A.M. TUESDAY, JANUARY 27, 2015

MINUTES

I. CALL TO ORDER

The meeting was called to order by Board Chair Ken Anderson at 9:02 a.m., with the following members present:

Ken Anderson, Chair
Jason Anderson, Vice Chair
Timothy Lovato, Commissioner
Lyn Lambert, Co-Administrator
Wendi Maez, Co-Administrator
Ben Gibbons, County Attorney
Staci Burkhart, Acting Secretary to the Board

II. ADDITIONS/DELETIONS TO AGENDA

1. Attorney Gibbons needs an Executive Session for legal consultation.
2. Need to sign CDOT agreement.
3. Marcy Gardunio will be in under Attorney Gibbons time.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE AGENDA AS AMENDED

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

III. READING AND APPROVAL OF MINUTES – January 13, 2015

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE REGULAR MEETING MINUTES OF JANUARY 13, 2015 AS AMENDED

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

IV. REVIEW OF MAIL AND OTHER CORRESPONDENCE

1. **Old Spanish Trail Association** sent Trail Tales Newsletter. (1/16/15)
2. **Colorado State University Extension** sent 2015 Southern Rocky Mountain Agricultural Conference and Trade Fair February 10 thru 12, 2015. Registration open now. (1/13/2015)
3. **Rio Grande Water Conservation District** sent 2015 Ground Water Table Measurements. (1/13/15)

4. **Scott Armentrout, USDA Forest Service**, sent a thank you letter for outgoing Commissioner, Linda Joseph. (1/13/15)
5. **Upper Gunnison River Water Conservancy District** sent Board of Directors Agenda-Regular Meeting for Monday January 19, 2015. (1/12/15)
6. **Colorado State Land Board** sent letter notifying there are additional lands in Saguache County that have been nominated for designation into the Stewardship Trust. Public Comment period is extended to January 31, 2015. (1/13/15)
7. **Northern Saguache Fire Protection District** sent an update for contact information. (1/21/15)
8. **Rio Grande Water and Sanitation District** sent Notice of contact information for Chairman of the Board and special district office. (1/21/15)
9. **Gunnison County Metropolitan Recreation District** sent their annual report dated January 2015 including Board, meeting schedule, elections, formation, mission, etc. (1/21/15)

V. INTRODUCTION OF GUESTS

Sandia Belgrade – Crestone	Lita Bishop – citizen	Lee Bishop – citizen
Janet Nelson – Cox – citizen	Cindy Kint – citizen	Jon Billingsley – The Pot Shop LLC
Leon Post – citizen	Marshall Milan – citizen	Mary Jane Milan – citizen
Bob Thomas – attorney	Gene Hollenbeck – civilian	Kareen Hollenbeck – civilian
David Nelson – civilian	Linda Warsh – DSS	Julie Mach – ScSEED
Tess Beneduce – ScSEED	Tom McCracken – Green Earth	

VI. COMMISSIONERS REPORT

Commissioner Ken Anderson:

1. January 20 – Attended the BoCC Work Session.
2. January 22 – Attended Senior Citizens in Alamosa, also attended Ed Towers' presentation on the Boyce water project.
3. January 26 – Attended the SLV Commissioners meeting, COG meeting, and DRG meeting in Alamosa. The COG meeting covered ATV use, helmets, and insurance requirements. Also covered on the Economic Water Plan through Colorado State University. DRG has a new chairman.

Commissioner Jason Anderson:

1. January 14 - Attended appreciation celebration for outgoing Sheriff Mike Norris and outgoing Social Services director Jennie Norris.
2. January 15 - Spoke with Kathy Worthington with Xcel Energy concerning energy programs for governments. Mrs. Worthington is also involved with Action 22 and would like to present to the board when possible.
3. January 15 - Called Mike McVahn at CDOT about the promised speed study on hwy. 50 at Sargents.
4. January 16 - Attended the BLM Sage Grouse meeting
5. January 16 - Had coffee with Larry Smith, Villa Grove resident, discussed the Strategic Plan.
6. January 16 - Attended a call of independent Counties concerning the situation at CCI and upcoming rules on meetings and decision making.
7. January 17 - AGO/Trails Coalition meeting:
 - Update on projects, There are 24 recognized AGO projects moving forward in 2013.
 - Sangre de Cristo NHA Management Plan is up for Public Comment on the PEPC website

- Committee allocated \$20,000 from UFWS to support Archeology for BLM 20+ miles of trails so SCC crews can begin work. This includes the Vista Grande trails system located in Saguache County.
- 8. January 20 - Attended the BOCC Work Session.
- 9. January 21 - Submitted a Resolution to the NACO Public Lands Steering Committee, to be presented in Washington D.C in February, concerning the use of insect infested lumber on Public Lands. (attached)
- 10. January 22-23 - Attended the CCI Steering Committee meetings.
- 11. January 24-25 - CCI Steering Committee meeting
 - Reviewed 59 House Bills for consideration under the categories of General Government, Tourism and Economic Development, Public Lands, Agriculture, Wildfire and Rural Affairs, Health and Human Services, Taxation and Finance, Land Use and Natural Resources, and Transportation and Telecommunications.
 - Some noted Bills that concern our County:
 - HB13-1044 grey water usage
 - HB13-1096 waste tires
 - HB13-1137 Eliminates zoning and size from board authority for weed removal
 - SB13-021 Grants eminent domain for gas/oil pipelines much like electric wires
 - SB13-041 allows large water storage for fire suppression
 - HB13-1012 Continues income tax deduction for owners who perform wildfire mitigation in urban-wilderness interface areas.
 - HB13-1064 Repeals requirements of counties to use a local Newspaper, replacing it with the county website.
 - HB13-1067 Allows for the cancellation of a primary election if no competition is present.
 - SB13-016 Legislation for self-driving vehicles.
- 12. January 26 - Attended the Valley Wide Commissioners meeting.
- 13. January 28 - Met with Mary Lark, Saguache County Court Clerk, and Richard Sutton, Courthouse Security to review Building issues upstairs. Issues were discussed relating to both fire issues and general security. These include:
 - An escape ladder that does not fit the windows
 - Improving the barrier in the County Court office
 - Fire hoses
 - An unsecured fire extinguisher

Commissioner Timothy Lovato:

1. January 13 -16 – Attended the new Commissioner Orientation in Denver.
2. January 20 – Attended the BoCC Work Session.
3. January 22 – Ed Towers’ presentation about Boise plan to move water to the Front Range.
4. Conversation with Eileen Rivele with Pilots for Prevention.
5. January 26 – Blue Prints meeting in Alamosa.
6. Received e-mail from Georgeann June Savage in regards to the Solar Garden.

MOTION BY COMMISSIONER KEN ANDERSON TO ENTER INTO EXECUTIVE SESSION AT 9:37 AM FOR LEGAL CONSULTATION UNDER CRS 24-6-402(4) (c)
SECOND BY COMMISSIONER JASON ANDERSON
VOTES IN FAVOR: 3 **VOTES AGAINST: 0**
MOTION CARRIED

**MOTION BY COMMISSIONER KEN ANDERSON TO RETURN TO REGULAR
SESSION AT 10:00 AM**

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

BREAK

Discussion on one jail for Rio Grande and Saguache County. Attorney Gibbons stated by State Statue you have to have a Court in each County.

VII. CO-ADMINISTRATOR REPORT- WENDI MAEZ & LYN LAMBERT

1. Need the minutes to reflect that Linda Joseph is no longer a signor for the bank accounts in order to remove her from all County bank accounts.

**MOTION BY COMMISSIONER JASON ANDERSON TO REMOVE LINDA JOSEPHS NAME AS
SIGNOR FOR FIRST SOUTHWEST BANKS AND COMMUNITY BANKS OF THE ROCKIES
SECOND BY COMMISSIONER LOVATO**

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

2. Board Chair signed Ground Ambulance Licensing certificate and the Veterans monthly report.
3. Board Chair signed Payroll bank account letter. All three commissioners will need to go into the Community Bank of the Rockies in Center, CO. and sign the bank card.
4. Resolution to transfer funds from General Fund into Public Health funds presented, reviewed, and approved. (\$25,000 was budgeted for transfer into Public Health)

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE RESOLUTION TO
TRANSFER \$25,000.00 FROM GENERAL FUND INTO PUBLIC HEALTH FUND
SECOND BY COMMISSIONER LOVATO**

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

5. Upper Rio Grande Animal Shelter, Saguache County has been paying \$110 a month (\$1320 a year). Board approval to continue for calendar year 2015.

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE \$110.00 A MONTH
FOR THE UPPER RIO GRANDE ANIMAL SHELTER FOR CALENDER YEAR 2015
DISCUSSION**

COMMISSIONER JASON ANDERSON RESEND MOTION

6. CCI Public Land Dues of \$5848 due, have paid from Road and Bridge last 3 years.
7. CCI dues of \$10,000 due, paid from Road and Bridge last 3 years.

MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE PAYING CCI PUBLIC LAND DUES OF \$5848.00 AND CCI DUES OF \$10,000.00 OUT OF ROAD & BRIDGE GENERAL FUND

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

8. Decision on the contract for IT support. There were 2 bids received, WSB and Bear Claw Computer Services. Discussion on the technical issues the county has been having for the last couple of weeks. BoCC directed Administration to put Crestone Telecom on an agenda and have Bear Claw Computer Services present proposal to BoCC.
9. Administration checked with the County auditors on a Forensic Audit, waiting to receive information.
10. Reviewed and signed Management Letter for 2014 audit.
11. Official appoint Tourism Council liaison.

MOTION BY COMMISSIONER JASON ANDERSON TO APPOINT STACI BURKHART AND AMBER WILSON AS COUNTY LIASIONS TO THE TOURISM COUNCIL

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

VIII. LAND USE ADMINISTRATOR- WENDI MAEZ

1. Dotty's Towing/John Billingsley/Pot Shop LLC. Applicant would like a second review of his CUP denied in December 2014. Attached a copies of his appeal letter and the issued liquor licenses for Tomichi Creek Corporation dba Tomichi Creek Trading Post.
Billingsley – According to Statue a Liquor Store cannot sell food. Tomichi Creek is not a liquor store, they sell food.
Attorney Gibbons – Informing the BoCC that County has a Land Use code and a Marijuana code and are not bound by State definition. County did not adopt a specific definition. Discretion of BoCC.
Commissioner Ken Anderson – His concern is water
Billingsley – Presented BoCC with an account between The Pot Shop LLC and the city of Gunnison to show he can use the water to cultivate marijuana. Also presented a Warranty Deed that shows Dotty's Towing & Repair supplies Tomichi Creek with water and transfers with sale of property.
Commissioner Lovato – Wants a valid contract with the city for a viable water supply.
Billingsley – City will not write a contract. Regulations need to be more specific.
Discussion
Attorney Gibbons – BoCC can clarify regulations more.
Commissioner Lovato – Attended Public Hearings and sat on Planning Commission, still feels need a contract for water.
Leon Post – Manager of Tomichi Creek – States Liquor Store or similar establishment, bar is similar. Even if people do not live in Sargents year round they still have an opinion.
Attorney Gibbons – Asked what was published on the agenda for The Pot Shop. Agenda was read. Not enough clarification on agenda or enough public notice to be a reconsideration.

Commissioner Jason Anderson – Asked Attorney Gibbons if BoCC required to reconsider. **Attorney Gibbons** replied that there is no procedure in the Land Use Code that provides a reconsideration by the County. Therefore, any reconsideration would not be in accordance with any existing procedure.

Commissioner Jason Anderson - Appreciates frustration and investment Billingsley has. He considers a liquor store an establishment that requires a liquor license and Tomichi Creek requires a license.

Billingsley – Stated he never would have started process if regulations were defined more.

**MOTION BY COMMISSIONER JASON ANDERSON TO NOT RECONSIDER THE
DECISION TO DENY THE POT SHOP LLC**

SECOND BY COMMISSIONER KEN ANDERSON

COMMISSIONER LOVATO ABSTAINED

VOTES IN FAVOR: 2

VOTES AGAINST: 0

MOTION CARRIED

Billingsley – States there is no viable piece of property in Saguache County for retail marijuana and there is prejudice in that and he will be taking this to court.

IX. COUNTY ATTORNEY- BEN GIBBONS

1. Marcy Gardunio presented the BoCC with a Memorandum of Agreement for a Preceptorship Between Adams State University Nursing Students and Saguache County Public Health for approval and signature. Also presented Saguache County Public Health Department Cancer Cardiovascular & Pulmonary Disease (CCPP) Prevention Grant and Statement for approval and signature. Informed the BoCC that the PCP program can make money neutral but will never be a money making program.

**MOTION BY COMMISSIONER LOVATO TO APPROVE THE MEMORANDUM OF
AGREEMENT FOR A PARTNERSHIP BETWEEN ADAMS STATE UNIVERSITY
NURSING STUDENTS AND SAGUACHE COUNTY PUBLIC HEALTH**

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE SAGUACHE
COUNTY PUBLIC HEALTH DEPARTMENT OF CANCER CARDIOVASCULAR AND
PULMANRY DISEASE (CCPP) PREVENTION GRANT AND STATEMENT**

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

X. SHERIFF'S REPORT – DAN WARWICK

1. Transition moving smoothly. Had to house some destructive inmates at another jail which is an expense but less than damages to old building. Introduced a new procedure; jail reports when inmates are out of line and will charge the inmates for damages.
2. Inventory list moving slow but forward.
3. Receiving bids for a vent in the bathroom due to mildew problem.

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE VICTIMS
ADVOCACY WITH ALAMOSA COUNTY
SECOND BY COMMISSIONER LOVATO
VOTES IN FAVOR: 3
MOTION CARRIED**

VOTES AGAINST: 0

JAIL TOUR

LUNCH

XI. ROAD & BRIDGE SUPERVISOR – RANDAL ARREDONDO

1. Presented the BoCC with the 2006 Snow Removal Policy and a new 2015 Snow Removal Policy and wants to change to 1in. on pave roads and 3in. on dirt roads.
2. There is fuel at Leach Airport and posted on the internet.
3. Landfill starting in February will be closed Sundays and Thursdays.
4. Mary Jane and Marshall Milan and their Attorney Bob Thomas for another presentation of 2 gate issues on County Rd 10XX. NRCS Conservation Agreement requires the gates. Attorney Thomas gave BoCC a packet with a letter from him stating his clients' issues, 2 maps, a letter addressed to Attorney Thomas from Geoffrey P Anderson, and a copy of Mr. Hollenbeck's' Mediation Agreement.

Attorney Thomas – Stated that his clients have to go through two gates to get to their property and they have more rights on the public road being residents than other people who travel on the public road. Gates are unreasonable and would like cattle guards installed. Milan's will pay for the cattle guards. Mr. Hollenbeck's' mediation does not state that the County cannot install cattle guards.

Commissioner Jason Anderson – Asked Attorney Thomas why a user who is a resident has more value on a public road than any other user of a public road?

Commissioner Ken Anderson – Asked if a person who uses a public road for business if they have just as much right as a homeowner?

Attorney Thomas – Stated he was not the judge.

Hollenbeck – A cross fence has everything to do with agriculture. Working with NRCS for Gunnison Sage Grouse. The gates are only shut 2-3 weeks a year when cattle are there. Cattle guards kill animals, gates are easier, work better and safer. Milan's want cattle guards to make easier to subdivide their other land. Objects to taking the 2 gates out and putting in cattle guards.

David Nelson – fence building contractor – He has installed a lot of gates across county roads in many states. Gates are common and feels cattle guards are death traps for animals. Suggested the Milan's put in automatic gates if opening and closing the gates is an issue.

Mary Jane Milan – Requested reconsideration of cattle guards, not wanting to remove gates but have gates and cattle guards. Mr. Hollenbeck chooses not to communicate with us as neighbors. Ranchers don't like cattle guards and she doesn't like gates. Public roads are not made for cattle but people. No problem with cows or gates on public roads. Handicap request made due to not everyone can get out and open and close a gate. Under the impression that the County was going to add cattle guards. Mr. Hollenbeck's' court order does not say anywhere no cattle guards. We did not give permission to gate our private property.

**MOTION BY COMMISSIONER KEN ANDERSON TO CONVENE AS SAGUACHE
COUNTY BOARD OF SOCIAL SERVICES AT 1:58 P.M.**

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

XII. DIRECTOR SOCIAL SERVICES- LINDA WARSH

1. There were 20 TANF cases in the month of December, Food assistance cases numbered 726, 18 Aid to the Needy and Disabled cases and 113 Old Age Pension cases.
2. The State Child Welfare Abuse and Neglect Hotline is working well, although we continue to have in-house phone access issues in Saguache. We are working with 2 different state offices, CenturyLink and the local vendor to resolve these issues and we really appreciate your understanding and support.
3. The LEAP program issued the second payroll for the season to 318 households for \$50,346, totaling \$120,715 for the year. This is in comparison to last year at this time of \$79,986. A growing program for our county!
4. There were a total of 15 households served for the food bank for the month of December 2014. Of those 15 households served there were 7 single households and 8 family households served; which included 18 adults; 8 children and 4 seniors.
5. We held regular TEFAP Commodity Distributions in Saguache and Center. There were 62 households served in Saguache and of those there were 35 single and 27 family households. Center had 60 households served and of those there were 37 single and 23 family household served.
6. Our CSFP Senior Commodity Distributions was also held for Saguache/Moffat-Crestone residents and Center, where we distributed a total of 40 boxes in Center and 30 in Saguache. We continue to meet our caseload list given each month of 70 boxes and our waiting list continues to grow each month.
7. We also received our supplemental food delivery and distributed those items on the third Thursday of the month for Center and the third Friday of the month for Saguache. There were 70 households served in Saguache and 30 households served in Center. At this distribution the following items were given out: various desserts, breads and potatoes. We do not do a distribution for Crestone area because a delivery of the same items is also delivered to them on the same day of our delivery.
8. We will continue to do monthly distributions for all programs each month.
9. I have met with the Center Food Bank manager, Laura Dean, and she is willing to work together to keep her shelves stocked and reporting to assist us with grant support.
10. This month also exposed me to new challenges in the way of Public Information Officer Duties for a tuberculosis case. Luckily it was an isolated case, and it gave me a chance to work with the SLV team of PIO's and our Public Health Director. As already mentioned, our phone system issues will hopefully be resolved soon, and we have the continued challenges of older building upkeep with the ceiling repairs of the Food Bank after a furnace leak directly upstairs and new lighting in Center after a near fire event recently.
11. The SLV Neonatal Substance Exposure Task Force is still meeting on a regular basis, and including more entities as we go along. The grant application was submitted for support network funding and Saguache now has a container for used needles, the first of its kind in the SLV. A meeting with State Directors of

Health Care Financing, HHS, and Public Safety regarding Neonates affected by Opioids is scheduled for February, so our little group is gaining attention state-wide.

12. I look forward to more visits with schools and community groups to increase our services and involvement. It has been exciting to date and supported by our State program directors as well!

MOTION BY COMMISSIONER KEN ANDERSON TO ADJOURN AS SAGUACHE COUNTY BOARD OF SOCIAL SERVICES AT 2:12 P.M.

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

XIII. SCSEED – JULIE MACH

1. Activities and Events for 2015
February 11 – Northern SLV Conservation Roundtable Meeting
March – Tourism Workshop
April – Ranching Celebration
May, July – Northern SLV Conservation Roundtable Meetings
August 21-23 – Crestone Energy Fair
September – Wild & Scenic Film Fest
October – Penitente Bike Race?
Ongoing – Economic Development website management, tourism council participation, tourism brochure development, Vista Grande Park development.
2. 2015 Development – Focus on foundation grants for general support, new membership program, large fundraising/auction events, and expand services to include workshops, seminars, and trainings.
3. 2015 Staffing – Julie Mach increase time to 15-20 hours per week. Tess Beneduce requesting to utilize Fall Sales Tax grant funding (\$7,500.00) to support Tess as an independent not a VISTA.
4. Tess Beneduce presented the BoCC with 2014-2015 Final Report showing allocation of time.
50% - Official County work with Saguache County Tourism Council, Saguache County Heritage Brochure, Scenic Byway, Vista Grande Recreation Site Development, Event photography, and grant writing.
30% - Increasing ScSEED's capacity and creating a more sustainable future for the organization.
20% - Other
5. Would like input from the BoCC on where they would like ScSEED to spend time.

MOTION BY COMMISSIONER JASON ANDERSON TO CONVENE AS SAGUACHE COUNTY HOUSING AUTHORITY AT 2:27 P.M.

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

XIV. HOUSING AUTHORITY – EVAN SAMORA

**MOTION BY COMMISSIONER LOVATO TO ADJOURN AS SAGUACHE COUNTY
HOUSING AUTHORITY AT 2:39 P.M.**

SECOND BY COMMISSIONER JASON ANDERSON

VOTES IN FAVOR: 2

VOTES AGAINST: 0

MOTION CARRIED

BREAK

XV. SOUTHWEST CONSERVATION CORPS – JODY KARR

1. The crew (10 youth and 2 crew leaders) spent 4 weeks completing conservation and community projects throughout Saguache County including: 200 ft. of new fence built and 750 ft. of fence repaired; 1,000 ft. new trail built, 400 ft. of trail maintained and 11 rock steps installed; 21 acres of invasive species removed along numerous County roads and at the Mountain Valley School Garden. Each crew also participated in 8 hours of educational activities and discussions on topics such as: local history, ecology, Leave No Trace, volunteer opportunities, and career development. The total program cost for 2014 was \$27,000.00. Over 50% of the budget, roughly \$14,000.00 was invested directly back into the local community. The remaining amount was allocated for recruitment, training, uniforms, personal protective equipment, tools, workers comp insurance and program support/coordination.

XVI. BILL PAYING

XVII. ADJOURN

MOTION BY COMMISSIONER KEN ANDERSON TO ADJOURN AT 3:23 P. M.

SECOND BY COMMISSIONER LOVATO

VOTES IN FAVOR: 3

VOTES AGAINST: 0

MOTION CARRIED

RESPECTFULLY SUBMITTED,

STACI BURKHART, ACTING SECRETARY TO THE BOARD OF COUNTY COMMISSIONERS

MINUTES APPROVED FEBRUARY 3, 2015



Ken Anderson
CHAIRMAN OF THE BOARD

Carla Gomez
ATTEST:
CARLA GOMEZ

Jason Anderson
COMMISSIONER

Timothy A. Lewis
COMMISSIONER